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10 Attorneys for Defendants, Counter-Claimants, and Third-Party Plaintiffs
11 JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE
12

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 EVANSTON INSURANCE COMPANY,)
16)
Plaintiffs,)
17)
v.)
18)
70 LIMITED PARTNERSHIP, a Nevada L.P.;)
19 TERTIA DVORCHAK, as Special)
Administratrix of the Estate of Thomas T. Beam,)
20 Deceased; JOHN PETER LEE, LTD., a Nevada)
Professional Corporation; and JOHN PETER)
21 LEE, an Individual,)
22)
Defendants.)

23 JOHN PETER LEE, LTD. and JOHN PETER)
LEE,)
24)
Third-Party Plaintiff,)

25 v.)
26)
HARLEY E. HARMON INSURANCE)
27 AGENCY, INC.,)
28)
Third-Party Defendant.)
_____)

CASE NO.: 2:14-CV-01370-RFB-NJK

**STIPULATION AND PROPOSED
ORDER, PURSUANT TO LOCAL
RULE 1A 6-1, TO EXTEND OR
WITHDRAW THE DEADLINE FOR
FILING A PROPOSED SCHEDULING
ORDER
(Sixth Request)**

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled 70
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial
4 District, State of Nevada, Clark County (“*Malpractice* action”).

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned 70
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County
8 District Court, Case no A572739 (“*McCarron* action”). Moreover, the case, captioned *F & C*
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B (“*Collection* action”),
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the
15 *Collection* action.

16 A settlement was reached in the *Collection* action, and *Malpractice* action was dismissed.
17 In light of these developments, the parties requested the Court lift the stay. The Court lifted the Stay
18 effective August 17, 2017, and ordered the parties to file a proposed Scheduling Order by August
19 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)
21 70 Limited Partnership, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee’s law firm - John Peter
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. 70 Limited
25 Partnership and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint
27 against John Peter Lee, Ltd.’s insurance broker, Harley E. Harmon Insurance Agency, Inc., for
28 claims related to the *Malpractice* action.

1 In the second half of August of 2017, the parties commenced settlement discussions. The
2 parties requested that the deadline for filing a proposed Scheduling Order be extended from August
3 24, 2017 to September 6, 2017, so that the parties would have time to continue their settlement
4 discussions. The Court granted the request and signed the Stipulation. Thereafter, the parties made
5 a second request that the deadline for filing a proposed Scheduling Order be extended from
6 September 6, 2017 to September 13, 2017, for the parties to continue their settlement discussions.
7 The Court granted the request and signed the Stipulation. Moreover, on September 13, 2017, the
8 parties made a third request that the deadline for filing a proposed Scheduling Order be extended
9 from September 13, 2017 to September 22, 2017, for the parties to continue their settlement
10 discussions. The parties then made a Fourth Request that the deadline for filing a proposed
11 Scheduling Order be extended from September 22, 2017 to October 13, 2017, for the parties to
12 continue their settlement discussions. The Court granted the request and signed the Stipulation.

13 Thereafter, the parties stipulated (1) to continue the deadline for filing a proposed
14 Scheduling Order until November 15, 2017, or, in the alternative, (2) to withdraw the deadline for
15 filing a proposed Scheduling Order, and agree to provide the Court with a written update on the
16 status of the dismissal of the action by November 15, 2017, if the entire lawsuit was not dismissed
17 by that date. The Court granted the request and signed the Stipulation.

18 At this point, all of the claims have been tentatively settled. The parties are working on
19 finalizing a written settlement agreement. Once the written settlement agreement has been finalized
20 and settlement checks exchanged, then the parties will file a Stipulation of Dismissal.

21 The parties hereby stipulate (1) to continue the deadline for filing a proposed Scheduling
22 Order until December 15, 2017, or, in the alternative, (2) to withdraw the deadline for filing a
23 proposed Scheduling Order, and agree to provide the Court with a written update on the status of
24 the dismissal of the action by December 15, 2017, if the entire lawsuit has not been dismissed by
25 that date.

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1 DATED: November 14, 2017

WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC

2
3 By: \s\ Jeremy R. Alberts

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10 70 LIMITED PARTNERSHIP and
TERTIA DVORCHAK

11 The parties shall provide the Court with a status report no later than December 15, 2017.

12 IT IS SO ORDERED

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15 
16 UNITED STATES MAGISTRATE JUDGE

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19 DATED: November 15, 2017